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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,329	09/18/2000	Ronni S. Sterns	CRT/11842	3765

7609 7590 09/10/2004

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EXAMINER

FERNSTROM, KURT

ART UNIT PAPER NUMBER

3712

DATE MAILED: 09/10/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,329

Applicant(s)

STERNS ET AL. *CV*

Examiner

Kurt Fernstrom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10, 13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 13-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Hopp. Hopp discloses in Figures 3, 5 and 8 and in the specification a display board comprising an elongate front wall 39 having a portion to which a display card can be removed securably, elongate top and bottom walls 37 and 38 which are connected to and extend rearwardly from the front wall, and elongate upper and lower rear flanges 40 which are generally parallel with the front wall and which define a chamber within which additional display cards can be stored. Hopp further discloses a first connector 43 attached to the top wall and a second connector 42 attached to the bottom wall, where the first and second connectors are configured to engage with each other such that a plurality of substantially identical display boards are joined together by their respective first and second connectors. The phrase "for use as part of a phonetic transliteration card display" is considered to be functional language which describes the intended purpose of the device rather than providing further structural limitation to the claim, and as such does not overcome the Hopp reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Renegar, and further in view of Tucker. Campo Agud discloses in Figures 1 and 2 and in the specification a display comprising a board 1 that can be seen by a plurality of people and a plurality of display cards 7 that are detachably secured to the board, wherein each card comprises a source phrase in a first language and a target phrase in a second language which is a translation of the source phrase. Campo Agud fails to disclose that each card further comprises a phonetic transliteration of the target phrase. Phonetic transliterations are commonly provided in foreign language teaching devices. Renegar discloses in Figures 2 and 3 and in column 6, line 60 to column 7, line 15 of the specification a display card for teaching a foreign language comprising source phrases in a first language, target phrases in a second language which are translations of the corresponding source phrases and a phonetic transliteration of each target phrase. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing a phonetic transliteration of the target phrase on each card for the purpose of showing the user how to correctly pronounce the phrase in the target language. Renegar further discloses that the source phrase and target phrase are next to each other, while the

phonetic transliteration is located beneath both phrases. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing a target phrase and a phonetic transliteration in the locations as disclosed by Renegar for the purpose of providing a target phrase and a phonetic transliteration which are conveniently located for the user, to enable quick retrieval of the additional information. Campo Agud further fails to disclose that each card has a background color corresponding to a subject or category. Color coded display cards are well known. Tucker discloses in column 4, lines 24-65 a display device comprising a plurality of display cards, whereby each card has a color corresponding to the category of speech (noun, verb, etc.) the word printed on the card belongs to. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Renegar by providing an appropriate background color to each display card for the purpose of allowing the user to easily categorize the cards.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Renegar and Tucker, and further in view of Hopp. Campo Agud as viewed in combination with Renegar and Tucker discloses all of the limitations of claims 2-4 with the exception of the means for attaching a plurality of boards to each other. Modular display boards are well known. Hopp discloses in Figures 3, 5 and 8 and in column 3, lines 25-47 a display device comprising a plurality of boards 39, each board having along its top wall a first connector 43 which is substantially mushroom shaped, and along its bottom all a second connector 42 comprising a substantially mushroom shaped slot which cooperates with the connector 43 of another board to join

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a plurality of boards together. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Renegar and Tucker by providing a protrusion and a slot along the top and bottom walls of each board for the purpose of allowing the user to attach a plurality of boards to each other. While claim 4 recites a slot along the top wall and a protrusion along the bottom wall, rather than vice versa, this arrangement would have been obvious as an aesthetic choice of design and because the claimed arrangement does not yield any particular benefits not realized by the Hopp disclosure.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Renegar and Tucker, and further in view of Rellinger. Campo Agud as viewed in combination with Renegar and Tucker discloses all of the limitations of claims 7 and 8 with the exception of the fasteners comprising magnets. Magnetic display boards are well known. Rellinger discloses in column 3, lines 9-32 a display device comprising a magnetic board 10 and a plurality of magnetic display cards 15. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Renegar and Tucker by providing a magnetic board and magnetic display cards for the purpose of allowing the user to securely and releasably attach the cards to the board.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hopp. Hopp discloses all of the limitations of the claim with the exception of the respective configurations of the first and second connectors. The protrusion 43 of Hopp is generally mushroom shaped. Claim 13 recites a slot along the top wall and a protrusion

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along the bottom wall, rather than vice versa; however, this arrangement would have been obvious as an aesthetic choice of design and because the claimed arrangement does not yield any particular benefits not realized by the Hopp disclosure. The configuration of claim 13 is an obvious variation on the configuration disclosed by Hopp.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Owen, and further in view of Hopp. Campo Agud discloses in Figures 1 and 2 and in the specification a display comprising a board 1 that can be seen by a plurality of people and a plurality of display cards 7 that are detachably secured to the board, wherein each card comprises a source phrase in a first language and a target phrase in a second language which is a translation of the source phrase. Campo Agud further discloses in Figure 1 that the board has top and bottom walls, and flanges attached to the top and bottom walls. The front wall, top wall, bottom wall and flanges define a chamber in which cards can be stored. Campo Agud fails to disclose that the flanges are located in the rear of the device. Owen discloses in Figure 2 and in the specification a display device comprising a display board having a front wall 12, top wall 16, bottom wall 22 and rear flanges 27 attached to the top and bottom walls. The front wall, top wall, bottom wall and flanges define a chamber in which cards can be stored. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing rear flanges to the board for the purpose of defining a storage area and for the purpose of providing means to attach the board to a support surface. Campo Agud also fails to disclose means for attaching a plurality of boards to each other. Modular display boards are well known. Hopp

discloses in Figures 3, 5 and 8 and in column 3, lines 25-47 a display device comprising a plurality of boards 39, each board having along its top wall a first connector 43 which is substantially mushroom shaped, and along its bottom all a second connector 42 comprising a substantially mushroom shaped slot which cooperates with the connector 43 of another board to join a plurality of boards together. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Owen by providing a protrusion and a slot along the top and bottom walls of each board for the purpose of allowing the user to attach a plurality of boards to each other. While claim 13 recites a slot along the top wall and a protrusion along the bottom wall, rather than vice versa, this arrangement would have been obvious as an aesthetic choice of design and because the claimed arrangement does not yield any particular benefits not realized by the Hopp disclosure.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Owen and Hopp, and further in view of Rellinger. Campo Agud as viewed in combination with Owen and Hopp discloses all of the limitations of claims 14 and 15 with the exception of the fasteners comprising magnets. Magnetic display boards are well known. Rellinger discloses in column 3, lines 9-32 a display device comprising a magnetic board 10 and a plurality of magnetic display cards 15. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Owen and Hopp by providing a magnetic board and magnetic display cards for the purpose of allowing the user to securely and releasably attach the cards to the board.



Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Owen and Hopp, and further in view of Veazey. Campo Agud as viewed in combination with Owen and Hopp discloses all of the limitations of claim 16 with the exception of the end caps. Veazey discloses in Figure 6 and in column 5, lines 3-17 a display device comprising a display board having end caps 62 and 66. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Owen and Hopp by providing end caps for the purpose of improving the appearance of the device. Campo Agud as viewed in combination with Owen discloses all of the limitations of claim 18 with the exception of the bracket by which the device can be attached to a wall. Display boards with mounting brackets are well known. Veazey discloses in Figure 1 and in column 3, lines 11-60 a display device comprising a display board 10 having a flange 42 and a bracket 36 for hanging the flange, thus attaching the board to a wall. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Owen by providing a bracket for the purpose of allowing the user to securely and releasably attach the board to a wall.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campo Agud in view of Renegar, and further in view of Owen, Hopp, Rellinger, Tucker and Veazey. Campo Agud discloses in Figures 1 and 2 and in the specification a display comprising a board 1 that can be seen by a plurality of people and a plurality of display cards 7 that are detachably secured to the board, wherein each card comprises a source phrase in a first language and a target phrase in a second language which is a

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translation of the source phrase. Campo Agud further discloses in Figure 1 that the board has top and bottom walls, and flanges attached to the top and bottom walls. The front wall, top wall, bottom wall and flanges define a chamber in which cards can be stored. Campo Agud fails to disclose that each card further comprises a phonetic transliteration of the target phrase. Phonetic transliterations are commonly provided in foreign language teaching devices. Renegar discloses in Figures 2 and 3 and in column 6, line 60 to column 7, line 15 of the specification a display card for teaching a foreign language comprising source phrases in a first language, target phrases in a second language which are translations of the corresponding source phrases and a phonetic transliteration of each target phrase. Renegar further discloses that the source phrase and target phrase are next to each other, while the phonetic transliteration is located beneath both phrases. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing a phonetic transliteration of the target phrase on each card for the purpose of showing the user how to correctly pronounce the phrase in the target language. Campo Agud further fails to disclose rear flanges. Owen discloses in Figure 2 and in the specification a display device comprising a display board having a front wall 12, top wall 16, bottom wall 22 and rear flanges 27 attached to the top and bottom walls. The front wall, top wall, bottom wall and flanges define a chamber in which cards can be stored. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing rear flanges to the board for the purpose of defining a storage area and for the purpose of providing means to attach the board to a support

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surface. Owen also fails to disclose means for attaching a plurality of boards together. Modular display boards are well known. Hopp discloses in Figures 3, 5 and 8 and in column 3, lines 25-47 a display device comprising a plurality of boards 39, each board having along its top wall a first connector 43 which is substantially mushroom shaped, and along its bottom all a second connector 42 comprising a substantially mushroom shaped slot which cooperates with the connector 43 of another board to join a plurality of boards together. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing a protrusion and a slot along the top and bottom walls of each board for the purpose of allowing the user to attach a plurality of boards to each other. While claim 19 recites a slot along the top wall and a protrusion along the bottom wall, rather than vice versa, this arrangement would have been obvious as an aesthetic choice of design and because the claimed arrangement does not yield any particular benefits not realized by the Hopp disclosure. Campo Agud further fails to disclose a magnetic board and cards. Rellinger discloses in column 3, lines 9-32 a display device comprising a magnetic board 10 and a plurality of magnetic display cards 15. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing a magnetic board and magnetic display cards for the purpose of allowing the user to securely and releasably attach the cards to the board. Campo Agud also fails to disclose that each card has a color corresponding to a subject or category. Color coded display cards are well known. Tucker discloses in column 4, lines 24-65 a display device comprising a plurality of display cards, whereby each card has a color corresponding to the category

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of speech (noun, verb, etc.) the word printed on the card belongs to. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud by providing an appropriate background color to each display card for the purpose of allowing the user to easily categorize the cards. Campo Agud fails to disclose a bracket on which the flange can be hung. Veazey discloses in Figure 1 and in column 3, lines 11-60 a display device comprising a display board 10 having a flange 42 and a bracket 36 for hanging the flange, thus attaching the board to a wall. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by Campo Agud as viewed in combination with Owen by providing a bracket for the purpose of allowing the user to securely and releasably attach the board to a wall.

### ***Allowable Subject Matter***

Claim 20 is allowed.

### ***Response to Arguments***

This Action is made in response to the Remand issued by the Board of Appeals. A statement of obviousness has been added concerning the locations of the target phrase and the phonetic transliteration in relation to the source phrase, as per the instructions of the Board of Appeals. Also, claims 10 and 13 are rejected under 102 and 103 respectively, after reviewing the claims and the Hopp reference as suggested.

Because new grounds of rejection under 35 USC 102 and 103 with respect to claims 10 and 13 respectively have been presented, this action is made non-final.

***Conclusion***

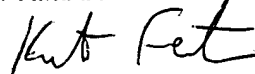
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF  
August 27, 2004

KURT FERNSTROM  
PRIMARY EXAMINER



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